

**Central Administrative Tribunal
Principal Bench**

**OA No.2782/2016
MA No.2495/2016**

New Delhi, this the 6th day of September, 2017

**Hon'ble Shri V. Ajay Kumar, Member (J)
Hon'ble Ms. Nita Chowdhury, Member (A)**

1. Ms. Vinod Khanna, Aged 59 years,
D/o Late Shri T.C. Khanna,
R/o 510, Sector-A, Pocket C,
Vasant Kunj,
New Delhi,
Presently posted as Date Entry Operator Gr. 'B'.
2. Smt. Sumitra Sharma, Aged 59 years,
W/o late Shri N.K. Sharma,
R/o F-96, Sarojini Nagar,
New Delhi-110023.
Presently posted as Date Entry Operator Gr. 'B'

...Applicants

(By Advocate : Ms. Jasvinder Kaur)

Versus

1. Union of India through Secretary,
Ministry of Water Resources,
Shram Shakti Bhawan, Rafi Marg,
New Delhi-110001.
2. Chairman/Financial Advisor,
Central Water Commission,
Sewa Bhawan, R.K. Puram,
New Delhi-66.
3. Secretary, Deptt. Of Expenditure,
Ministry of Finance, North Block,
New Delhi.

...Respondents

(By Advocate : Shri Krishna Kumar)

ORDER (ORAL)

Mr. V. Ajay Kumar, Member (J) :-

MA No.2495/2016

For the reasons stated therein, MA filed for joining together in a single Application is allowed.

OA No.2782/2016

The applicants, two in number and who are working as Data Entry Operators (DEO) Grade 'B' as on today (previously as IBMO and re-designated as DEO w.e.f. 11.09.1989), filed the OA seeking the following reliefs :-

- “8.1 May direct the Respondents to fix the pay scale of applicants as Data Entry Operator Grade 'B' with effect from 01.01.1986 as stipulated in O.M. dated 11.09.1989 and already done in the case of Punch cum Verifiers of the Central Water Commission;
- 8.2 May direct the Respondents to pay arrears of pay and perquisites to the Applicants for the period 01.01.1986 to 11.09.1989;
- 8.3 And, may pass such other orders and directions deem fit and proper in the facts and circumstances of the case.
- 8.4 May please to allow the OA with cost.

8.5 May pass any further orders as this Hon'ble Tribunal may deemed fit and proper in the facts and circumstances of the case."

2. It is the short case of the applicants that the respondents in compliance of the orders of this Tribunal in OA No.2586/2008 dated 03.07.2009, re-designated them as DEO Grade 'B' but granted relevant scale w.e.f. 11.09.1989 only (in the revised pay scales of 4th CPC) and not w.e.f. 01.01.1986, as was granted to the other DEOs Grade 'B'.

3. Heard the learned counsel for the parties and perused the pleadings on record.

4. Learned counsel Ms. Jasvinder Kaur, appearing for the applicants would mainly contend that when the respondents had granted the revised 4th CPC pay scales to the existing DEOs w.e.f. 11.09.1989, they approached this Tribunal by filing the OA No.560/1999, and the same was allowed on 17.05.2000, declaring that the applicants therein were entitled for fixation of pay w.e.f. 01.01.1986, though the arrears were denied to them. The applicants in the instant OA are also identically placed with the applicants in the said OA No.560/1999, i.e. working as DEO Grade 'B' and hence are also entitled for the equivalent pay scale w.e.f. 01.01.1986, at par with them.

5. *Per contra*, Shri Krishna Kumar, learned counsel appearing for the respondents would submit that as on 01.01.1986, the applicants were, in fact working as IBMO and they were never worked as DEO Grade 'B' prior to 11.09.1989. This Tribunal in OA No.2586/2008, only directed them to consider the claim of the applicants for their re-designation as DEO Grade 'B' and accordingly, they re-designated the applicants from IBMO to DEO Grade 'B' on obtaining appropriate options from them w.e.f. 11.09.1989. Having given their options for re-designation for a particular scale with effect from a particular date, now, they cannot go back and contend that the granting of the DEO Grade 'B' scale w.e.f. 11.09.1989, is bad and that they are entitled for the same w.e.f. 01.01.1986. The learned counsel further submits that since the applicants never worked as DEO prior to 11.01.1989, they cannot compare their cases with the applicants in OA No.560/1999.

6. We find force in the submission of the learned counsel for the respondents. Applicants were admittedly not working as DEO Grade 'B' prior to 11.09.1989, and they were infact re-designated as DEO Grade 'B' from the post of IBMO w.e.f. 11.09.1989. It is also not in dispute that the qualification and Recruitment Rules for the post of IBMO and the DEO Grade 'B' are different and distinct.

7. In the circumstances, and for the aforesaid reasons, we do not find any merit in the OA and the same is, accordingly, dismissed. No costs.

(Nita Chowdhury)
Member (A)

(V. Ajay Kumar)
Member (J)

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